



MAYOR AND COUNCIL MINUTES
Regular Meeting
Tuesday, January 20, 2009
7:30 P.M.
EXECUTIVE (CLOSED) SESSION-7:30PM-8:15PM
BOROUGH HALL COUNCIL CHAMBERS
Municipal Place
Emerson, NJ 07630

Call to Order

Mayor Lamatina called the meeting to order at 7:32 pm. Mr. Joseph Voytus, Esq. led the salute to the flag followed by a moment of silence at the request of the Mayor.

O.P.M.A. Statement

Mayor Lamatina read the Sunshine Statement announcing that the meeting of January 20th, 2009 had been adequately noticed and was in compliance with the provisions of the Open Public Meetings Law. Further, that the meeting was included in the Annual Meeting Notice Resolution sent to the Bergen Record and Ridgewood News and advertised in said newspapers; posted on the bulletin board in the Borough Hall, Municipal Place, Emerson, NJ 07630 and has remained continuously posted as the required notices under the Statute. In addition, a copy of the notice was on file in the Office of the Municipal Clerk and had been available to the public since its approval by the governing body.

Roll Call:

Mayor Louis J. Lamatina-Present
Councilman Steven Bair -Present
Councilman Browne - Present
Councilman Heyer-Present
Council President Hoffman-Present
Councilman Lazar - Present
Councilman Loffredo - Present

Also present were Carol Dray, Borough Clerk, Joseph Voytus, Esq., substituting for Borough Attorney Phil Boggia, and Joseph Scarpa, Business Administrator.

6. CLOSED SESSION RESOLUTION No. 35-09

☞ **Motion** to close for an executive session to discuss matters exempt from the public as duly noticed by Resolution No. 35-09 was **moved** by Councilman Bair, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

#09-1/20-1 Personnel- Police Department

#09-1/20-2 Police Department – PBA Contract Negotiations

#09-1/20-3 Personnel – Tax Department

7. RECONVENE

☞ **Motion** to reconvene was **moved** by Councilman Loffredo, **seconded** by Councilman Heyer and carried at 8:19 p.m.

8. CORRESPONDENCE

Mayor Lamatina announced that copies of the correspondence were on file in the Office of the Municipal Clerk.

- Letter dated 12/12/08 from Paul Goldman; Re: Dumpster Enclosure
- Letter dated 1/7/09 from Captain Bill Sheehan, Executive Director of Hackensack Riverkeeper, Inc.; Re: Regulations of the C1 designation and its impact
- Letter dated 1/9/09 from Bryan Christiansen, Chairman BCUA; Re: BCUA Sewer Connection Fee – Municipal Incentive Program Rebate
- Letter dated 1/12/09 from John Moyle; Re: Community Rating System Workshop, DEP
- Letter dated 1/12/09 from Richard Claydon, CEO of Ridgewood YMCA; Re: Award Nominations

9. APPOINTMENT AND PERSONNEL CHANGES

Resignation: Tax Collector, Barbara Kozay effective immediately

☞ **Motion** to offer CFO Cathy Henderson the position of Tax Collector was **moved** by Councilman Lazar, **seconded** by Council President Hoffman and carried by roll call vote.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

10. OLD BUSINESS

Redevelopment – The Governing Body discussed the status of Redevelopment in the Borough. Mayor Lamatina stated that the plan had not changed, but that he was meeting with property owners who were interested in presenting their own proposals that had the same kind of design. Mr. Scarpa outlined a meeting that had taken place with the new owner of the former Tool Chest who presented a plan for retail on the first level and three apartments on the second floor. He added that no one had come in with plans for four story buildings. The Mayor added that they would have to wait to see how the market and economy impact proposals but anticipated some progress in April or May of this year. Councilman Bair explained that current zoning ordinances limit buildings to three stories in the redevelopment zone; no four story buildings were allowed. He anticipated that present owners might come forward with plans since they would not need to acquire additional property. The Mayor hoped that once some property owners revitalized their buildings, that others would see how it looked and choose to improve their properties as well. Councilman Bair also discussed the traffic situation in town and stated that he believed that the County was waiting for the Borough to draft a plan. He suggested that they look into employing a traffic engineer to come up with a plan that could be brought to the Planning Board and submitted to the County. The Mayor specified that issues with Kinderkamack Road would need to be separated from Redevelopment. He added that any redeveloped businesses would not be allowed egress or ingress to Kinderkamack Road.

11. NEW BUSINESS

Discussions:

- a) Amending Chapter 240 entitled Snow and Ice, Removal of, Section 8 entitled Enforcement adding the position to Property Maintenance – Councilman Browne explained that the ordinance did not sufficiently address who would enforce the removal of snow and ice from Borough streets and roads other than the **Police Department**. He wanted to amend the current ordinance to allow Property Maintenance to enforce these statutes. He added that the Borough needed to make sure that the fee schedules were sufficient. Councilman Heyer and Mr. Scarpa both referenced potential liability issues for residents and commercial properties if snow is not cleared. Mayor Lamatina requested that Chapter 240 be distributed to the Council and placed on the February 3rd agenda for its first reading.
- b) Amending Chapter 77 Entitled Police Department Section 17 entitled Outside Employment raising the rate to \$110 – Mr. Scarpa explained that the amendment was based on a recommendation from Chief Saudino for work done by the Police Department outside the scope of their duties such as when utilities do work in the Borough that require supervision of traffic control by a borough Police Officer. He added that these fees cover the wear and tear on the vehicle, fuel as well as use of personnel. The money would be earmarked for the purchase of a new Police vehicle. Chief Saudino asked the Council to consider a percentage increase every year to keep up with PBA raises. Mr. Scarpa said that it could be added to the salary ordinance with yearly increases.
- c) Amend Ordinance 1353-08 Defined Retirement to remove Municipal Court Administrator per LFN-2008-10 – The state had determined that the position of Municipal Court Administrator should be included with the PERS for pension purpose so therefore, the ordinance would need to be amended to remove Municipal Court Administrator from Defined Retirement status.
- d) Road Resurfacing Program 2009 – Mr. Scarpa stated that the Borough was proceeding with the joint road resurfacing program for a total of approximately \$213,000 in bond costs. He also suggested tying a request from **DPW** Superintendent Joe Solimando for a new street sweeper into the bond. Mr. Solimando detailed that the current 1996 sweeper had a rotting body which was not feasible to repair since the body replacement cost was three quarters the price of a new machine. He said that a 2008 truck was available at a

- savings of over \$30,000 if it was purchased before March 2009 at a cost of about \$187,000. Mayor Lamatina explained that this machine could not be shared with other towns as it was used four days a week. Mr. Solimando added that it was a necessary service that would help the Borough comply with storm water regulations and reduce the time needed to clean out the storm drains. Mr. Scarpa said that it would be added to the bond, allowing \$225,000 for the roads and \$200,000 for the truck. Mr. Solimando said that he would start immediately preparing to go out for bids on the vehicle.
- e) Shared Services Contract – Councilman Browne explained that he had noticed other towns in southern New Jersey who shared trash hauling to leverage better rates. Mayor Lamatina assured the Governing Body that issues such as this were discussed and reviewed on a regular basis. Mr. Scarpa mentioned that this topic was brought up at recent Administrator’s meetings. He said that he would look into this and find out which other town’s contracts were ending to see if any were interested in doing this jointly.
 - f) Safe Routes to Schools/Safe Streets to Transit – Councilman Browne stated that this program would be funded at the Federal level for two more years before it moved to the State level. He added that many surrounding towns had obtained a lot of money for street improvements around schools and transit stations. He felt that the Borough should apply for these grants. Councilman Browne agreed to form of a joint task force with Councilman Bair. Mayor Lamatina suggested that the Councilmen write an article for the newsletter soliciting parental involvement.
 - g) Charitable Bin Ordinance – Ms. Dray discussed laws adopted by the New Jersey Legislature to regulate charitable bins, adding that an ordinance was being prepared. She opined that the impetus for new regulations was that bins were not always emptied, could be hazardous, and the questionable legitimacy of some charities. She said that the ordinance would be introduced at the February 3rd Council meeting.
 - h) Establish minimum fines for certain code violations – The Mayor explained that Chapter 240 was being amended. Construction Official Mike Sartori detailed the types of complaints filed by his office over the last year, some for which minimum fees should be established – soil movement, failure to obtain residential rental certificate of occupancies and failure to maintain a pool barrier. Mr. Sartori said that he would assemble a list with suggested amounts and penalties for the next meeting. He opined that all third offenses should go to Court. Mr. Sartori also reported on the administrative warrant served on January 15th to a house on

Marianna Place. Based on the inspection, he was planning to issue eight additional summonses. He added that, based on the Uniform Construction Code, the home was unsafe for human occupancy. To get it back to a habitable condition would not take great effort.

12. REPORTS

a) Mayor and Council Reports:

Councilman Lazar stated that he had been going over bills submitted for legal expenses and said that he had found some items he needed to go over with Mr. Scarpa.

Councilman Browne - No report

Councilman Bair noted that the **Board of Education** had a new website: www.ebe.schoolfusion.us which he thought was excellent.

Mayor Lamatina stated that an excellent teacher, Michele Pierce, has come on to the **Environmental Commission**, and that he was going to ask someone else from the Board of Education. He discussed the contract with Creative Outdoor Advertising and mentioned that he had asked Dr. Nisinoff to consider participating in placing bins on school property. He added that his daughter, Lauren, had met with Dr. Nisinoff to see if a bin could be placed by the tennis court. The Mayor also discussed the annual Mayor's Legislative Day where the Governor gave a speech, he had attended some presentations, and a debate with legislative leaders took place. The Mayor also discussed his upcoming trip to Trenton with Mayor Birkner and several others to meet with the Governor's representative to discuss the Hackensack University Medical Center North, and more specifically, the economy. He emphasized that the reopening of the hospital would create jobs and help the area. On other topics, he said that Westwood would be holding a pep rally/informational meeting at the Community Center the next day at 8 p.m. Legacy was planning to make another presentation in support of reopening the hospital. He anticipated that the next hearing would be in late March or early April. Finally, he thanked Councilman Heyer for sitting in for him at the Pascack Valley Chamber of Commerce where he discussed redevelopment.

Council President Hoffman stated that the **Shade Tree Commission** held its reorganization meeting recently where they reelected Mr. Joseph Solimando as their Chairman and Steve Frassa as the Vice Chair. Mr. Solimando and Mr. Frassa were also chosen as the tree inspectors for 2009. He added that the **Board of Health** also held its reorganization meeting where they reelected Elaine Rizzo as their President. They also approved an ordinance on first reading that would prohibit the feeding of wild and stray animals on public and private property with the exception of bird feeders. Finally, he discussed the Fire Department's Annual Dinner at Seasons and

thanked the **Fire Department**, Chief Savino, and Ms. Pat Rizza for a very nice evening.

Councilman Heyer – No report

Councilman Loffredo stated that at the reorganization meeting of the **Recreation Commission**, Mr. Steve Beloise was reelected as Presiding Officer. He complimented Mr. Beloise for doing a great job. He also gave the **Police Department** report for December 2008.

b) Office of the Borough Administrator – Mr. Scarpa discussed the following:

- He attended a meeting of the Department of Environmental Meeting in Trenton where they proposed an economic recovery program for 2009 where certain water supply and drainage projects would be eligible for a grant or loan. He mentioned several projects in town – a drainage ditch in the woods, Longview Hill Ross drainage and the Fairways drainage projects. Mayor Lamatina and Mr. Scarpa discussed the inability of the State Legislature to act on any proposals that would benefit local municipalities.
- He had received written confirmation that the COAH plan was delivered on December 31, 2009.
- On January 8th, he attended the monthly Pascack Valley Administrators' Meeting. They discussed the road program, economic stimulus programs and potential projects amounting to about \$850,000 that were submitted to the League. He was not sure if the money would be awarded through low interest loans or grants. The Mayor emphasized that this money would provide financial relief for Emerson taxpayers for road resurfacing, sidewalk repairs, and drainage projects that the Borough was planning to do anyway.
- The **DPW** shared services study would be completed soon by an outside firm hired with a grant. It would be a way to better use equipment and combine some services, but not combine departments. He added that by the end of February, according to storm water regulations, the Borough would need a place to wash their vehicles and that River Vale had recently built a new garage with a bay to wash trucks. Emerson has set up an initial agreement to use River Vale's facilities for a small fee. He also mentioned that Mr. Solimando had brought up a new method to deal with ice on roadways which involved using a brine mixture in advance of an expected storm.
- Borough Attorney Phil Boggia had reviewed the agreement with Creative Outdoor Advertising for the recycling bins. He had also reviewed the agreement with North Jersey Media to do the Borough newsletter on a bi-monthly basis.

- Mr. Scarpa had become the State mandated air quality standard person for the Borough. All air conditioning and heating filters were cleaned as part of the program to be in compliance.
 - The recycling garbage calendar was mailed.
 - The resurfacing of Lincoln Boulevard and the curb ramp program done through Community Development were completed.
- c) Office of the Municipal Clerk – No report.
d) Borough Attorney – No report.

13. PUBLIC COMMENT

Before opening the meeting for comments from the public, Mayor Lamatina reminded everyone to turn off their cell phones, keep their comments as brief as possible and try to limit them only to governmental issues of concern to an Emerson resident. He further requested that if a subject matter was addressed and answered, to please refrain from repeating it unless they had something new to contribute. A five-minute rule was in effect for each speaker at the discretion of the Council. Mayor Lamatina asked that everyone do their part to be civil, to the point and respectful of another's point of view and opinion. He further warned that speaking out without recognition would not be tolerated and a second warning could result in removal from the Council Chambers.

☞ **Motion** to open the meeting for comments from the public was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 9:45 p.m.

Ms. DeMarco, 8 Marianna Place spoke regarding 12 Marianna Place. She asked for clarification on statements made by Construction Official Mike Sartori regarding eight new complaints being filed. The Mayor explained that these were based on the inspection of the interior of the home after obtaining a warrant. She noted that the home affected her quality of life and that she did not want to look at it or smell it anymore after bringing it to the attention of the Mayor and Council for 13 years. The Mayor stated that he did not believe that the Borough was of a mindset to let the situation continue. Mr. Scarpa added that he did not know how long it would take to resolve. She asked to be kept informed of the situation.

☞ **Motion** to close the meeting to comments from the public was **moved** by Councilman Heyer, **seconded** by Council President Hoffman and carried at 9:50 p.m.

14. CONSENT AGENDA-Resolution No. 36-09

☞ **Motion** to approve the Consent Agenda Resolution No. 36-09 was **moved** by Councilman Heyer, **seconded** by Councilman Loffredo and carried by roll call vote.

RC: Council members:

Lazar-Yes

Browne-Yes

Bair-Yes

Hoffman-Yes

Heyer-Yes

Loffredo-Yes

Ca 37-09 Bill List

Ca 38-09 Approve Transfer of Funds in the 2008 Municipal Budget

Ca 39-09 Approve 2009 CDL Random Drug and Alcohol Testing Program

Ca 40-09 Authorizing Shared Service Utility Management Contract

Ca 41-09 Fire Department Mutual Aid Agreement with Oradell, Paramus and Harrington Park

Ca 42-09 Approve Refund to Oritani Savings Bank in amount of \$11,997.00 for development fees

Ca 43-09 Community Development Delegate

Ca 44-09 2009 Temporary Emergency Budget

Ca 45-09 Catholic Schools Week Banner – Kinderkamack Road - Assumption Academy

16. ADJOURNMENT

With no other business to address, at the request of Mayor Lamatina, Councilman Heyer **moved** to adjourn the meeting, **seconded** by Councilman Loffredo and carried at 9:52 p.m.

Carol Dray, RMC, CMC

March 2, 2009